

Written evidence submitted by Mr Jack Steele, relating to the operation of The Windsor Framework [OWF0007]

I am writing to you in respect of your inquiry into the operation of the Windsor Framework in Northern Ireland, to provide evidence expressing my opinion on the question in the call for evidence, ‘implementation and scope of the no diminution of rights commitment under Article 2’.

However, I contact you as a young person, currently studying at university. The 2023 Council elections in Northern Ireland marked the casting of my first ever vote at the ballot box. Yet my status as a voter has been fundamentally altered by the radical diminishment of my equality and human rights, which are enshrined within the Good Friday Agreement, and woven into the sensitive social fabric of Northern Ireland. The Windsor Framework makes a direct commitment to the protection of these rights under Article 2, *Rights of Individuals*, particularly salient is the following;

‘The United Kingdom shall ensure that no diminution of rights, safeguards or equality of opportunity, as set out in that part of the 1998 Agreement entitled Rights, Safeguards and Equality of Opportunity’.

Therefore, it is my right, under the provisions of the Good Friday Agreement, Rights, Safeguards, and Equality of Opportunity, to pursue “democratically national and political aspirations.” This has multiple implications, but not least is my right to have an influence in relation to all aspects of law to which I am subject. It afforded upon all peoples of Northern Ireland the ability to stand for election to become a legislator to make the laws to which they were subject and further to that, it enabled them to cast a vote for someone else to represent them as a legislator and in the making of the laws to which they were subject. These two approaches are how the people of Northern Ireland could formerly pursue democratically national and political aspirations in respect of law making and policy shaping. Yet the Ireland/Northern Ireland Protocol & Windsor Framework have rendered this right void, null, and entirely unapplicable to me.

I have a strong passion for Northern Ireland, and I want to see the growth of modern Northern Ireland. I know the best way to enact the change you want to see is through democratic participation, nominally voting in elections. Regardless of which party I cast my ballot in favour of, it will be utterly ineffective. This is because the innumerable EU laws in 300 different legal areas which currently dictate the trajectory of Northern Ireland are being conceived in by a foreign entity, in a foreign country, then reinforced by a foreign court, of which I have no power over and cannot vote to elect a representative nor contest an election there myself. This is a complete obstruction of democratic representation, an invalidation of my right to vote as a young person, but more so an impediment to the continuity of human and equality rights in Northern Ireland.

The impact of this almost renders Northern Ireland a NSGT, Non-Self Governing Territory, essentially as a colony, to the European Union, merely expected to accept the supremacy of EU law. Despite this, Northern Ireland ought to be an equal, integral and constituent part of the United Kingdom of Great Britain and Northern Ireland, as is enshrined in the Acts of Union. Throughout the rest of the United Kingdom, the citizens of England, Scotland, and

Wales are unaffected by the precarious legal arrangements in the Northern Ireland. Young people and first-time voters in these parts of the UK may cast their vote with full confidence, that whoever is elected will be working on their behalf, and ought to be accessible and responsible to constituents. However, in Northern Ireland, voters can only affect a small portion of the laws which impact them. Some but not all laws. We cannot alter the superfluity of laws in 300 different legal areas currently being conceived by the EU and subsequently applied to Northern Ireland, nor can our elected representatives make a genuine impact upon these laws.

As an 20 year old, it is extremely dehumanising that my human and equality rights are somehow inferior to the neighbouring UK residents. For they are able to have a say in the political, legal and economic affairs that affect their lives, yet I am voiceless, with no representation to push for my needs nor concerns. The colossal infringement upon Article 2 Rights cannot be ignored.

The generations that went before me, sacrificed their lives, with the belief that I would have the basic human rights to retain the freedom to vote, and see change with my democratic liberties. For decades, this privilege was enjoyed by my grandparents and my parents. One person, one vote. In stark contrast, the Government has permitted the continued implementation of the Windsor Framework which erodes the tiresome work of these past generations, and instead strips me as a young person, of my Article 2 rights, to have a say in the laws which affect me and elect the people who make them.

This act of vandalism is even more significant when we consider how sensitive of a place Northern Ireland is. The fragile peace of 1998 was achieved because the people of Northern Ireland recognised that the greatest way to direct people away from paramilitarism and violence, was to engage with democracy; to vote and elect someone who can make a difference. The integrity of Northern Irish democracy ought to be non-negotiable precisely because of our difficult past.

The circumstances that have befallen the people of Northern Ireland are unsustainable exactly because they violate the promises of Article 2. Internationally, the ability to elect someone to legislate or to stand as a legislator, is recognised as an indication of a free and fair democratic society.

Article 21 of the UNDHR states, *'Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right of equal access to public services in his country.'*

Beyond the UNDHR, a similar commitment can be found in Article 3 ECHR, Protocol 1. The case of *Matthews v the UK* is pertinent in this case, whereby the judges concluded their findings by acknowledging that in said case, an individual was made subject to EU Legislation without having the right to directly elect an MEP to have a say over this, which directly contradicts the provision guaranteed in Article 2 Protocol No.1 – the right to vote. In stark contrast, there has been no such recognition that in Northern Ireland, the same situation has been playing out repeatedly since December 31st 2020, with the Windsor Framework compounding this.

Even if – per say – Article 2 (1) did not exist there would still be an imperative in international law to ensure that our rights to pursue democratically national and political aspirations must be upheld from the point at which the right was recognised, in 1998, when we had the right to stand for election to make all the laws to which we are subject, which the operation of the Windsor Framework is depriving us of. It could be asserted that the Good

Friday Agreement is just international law and non-binding, therefore can be ignored, but that would not just be illegal from the perspective of international law and wholly wrong, but politically foolish because it would eviscerate out one of the supports of the most significant political settlement which made devolution possible to begin with.

Attention is often drawn to idea that there is no express right to a form of democratic representation within any human rights treaties to which the UK is a signatory. However, this is a misinterpretation. The Belfast/Good Friday Agreement is a treaty, and within it, provides human and equality rights, in the form of ‘the right to pursue democratically national and political aspirations.’ The Protocol on Ireland/Northern Ireland & Windsor Framework submits to the prior Belfast/Good Friday Agreement. If there had not been a concern about the diminution of rights in Northern Ireland in the first place, then the insertion of Article 2 would have been entirely pointless. The risk was recognised, and the obligation fell upon – and continues to – the UK Government to ensure that there is no diminution of those rights. This has been and utter failure.

Additionally, the principle of parity of esteem has been betrayed entirely. The circumstances to which Northern Ireland is currently made subject under the conditions of the Windsor Framework, advantage one community over another. The Republic of Ireland is a member of the EU, with Irish representatives legislating on laws, meaning that the Republic of Ireland is making laws which are bestowed upon the people of Northern Ireland without any true recourse, and with no representatives from Northern Ireland having a say in the process. If you are a Republican/Nationalist, perhaps this is welcome, but for me as a young person who wants to see a successful and stable Northern Ireland, this is unsustainable in the long term when we consider how one community has been marginalised and wholly disenfranchised; those who find their identity to be within the Union, an indeed, would adhere to the sovereign supremacy of the National Parliament of the United Kingdom.

In December 2024, the Democratic Consent Mechanism – per Article 18, of the Protocol on Ireland/Northern Ireland & Windsor Framework – was put before Stormont. Not only was the vote conducted in blatantly anti-Belfast/Good Friday conditions, but the motion also lacked legitimacy. In asking MLAs to vote on the continuation of Articles 5-10 of the Windsor Framework for a period of 4-8 years, the UK Government essentially asked MLAs to vote in way that has the effect of renouncing the rights of their constituents to be represented in the making of the laws to which they are subject in relation to 300 different areas of law. The UK Government, in doing this, jeopardised their commitment in Article 2 to protect the Rights of Individuals, which were given to us under the terms of the Good Friday Agreement, and inadvertently discriminated against the people of Northern Ireland.

As I conclude, I may add that it is utterly wrong that I, as a 20-year-old student, should have to write to you concerning the safety of my human and equality rights. It is archaic. My hope is that you would process my concerns carefully. This assassination of democratic principles cannot continue, for the sake of my generation and those to come, it must be preserved. Over the past 4 years, I have witnessed the disbalancing of Northern Ireland democracy, the internment of parliamentary scrutiny, and the evisceration of the rights given to me in the Belfast/Good Friday Agreement and purportedly maintained by Article 2 of the Windsor Framework.

How can we convince the next generation of young people – my own – to vote and engage in democracy in Northern Ireland, when their vote is null; for they can only elect someone to legislate on some of the laws to which they are subject, but not all.

The radical diminution of the commitment to the Rights of Individuals in Article 2 of the Windsor Framework is the most shameful assault on Northern Irish democracy that has ever been, and constitutes a direct invalidation of the fragile peace that was agreed in 1998 and forms the basis of stable devolution.

For the sake of my generation and the future of Northern Irish democracy, please consider my submission detailing the scope of the 'no diminution of rights commitment under Article 2' in respect of the operation of the Windsor Framework in Northern Ireland.

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